

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

JULY 6, 2009

7:00 P.M.

• **5:45 pm – FINANCE COMMITTEE MEETING**

A. CONSENT AGENDA

1. SIGNATURES

a. Treasurer's Warrants

2. FINANCIAL REPORTS

a. Treasurer Reports – June 30, 2009

3. SECRETARY'S REPORTS

a. Minutes 5/4/09 Council Meeting

4. COMMUNICATIONS

a. Thank you letter – Public Safety – William Anderson

5. REPORTS

- a. Ambulance Receivable Report – June 24, 2009
- b. Lura Hoit Pool Board Meeting Minutes – 5-12-09
- c. Library Roof Repairs
- d. Town Garage Door Replacement
- e. Economic Development Team Report – 7/1/09
- f. Infrastructure Committee Minutes 6/22/09
- g. Services Committee Minutes 6/22/09
- h. Transfer Station Use – weekend of June 27th & 28th
- i. Finance Committee Minutes – June 15, 2009
- j. Rapid Renewal Statistics – June 2009

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. Post – Construction Stormwater Ordinance – Amended language

NOTE: The Council will take a 5-minute recess at 8:00 pm.

.....
MONDAY

JULY 6, 2009

7:00 P.M.
.....

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

3. UNFINISHED BUSINESS

- a. Project Canopy – Request by Tree Board Chair
- b. Community Room Use Policy – Finance & Services Committee Recommendations
- c. Mayo Road Project – Recommendation to Create Ordinance for November 2009 Referendum
- d. Sewer Fee Increase – Infrastructure Committee recommendation to send proposed sewer fee increase in Fees Ordinance to Public Hearing
- e. Committee Structure Discussion

4. NEW BUSINESS

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT

TOWN COUNCIL MINUTES

A-3-a

May 4, 2009

The regularly scheduled meeting of the Hampden Town Council was held on Monday, May 4, 2009. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:03 p.m.

Attendance: Councilors: Mayor Matthew Arnett, Andre Cushing, Thomas Brann, William Shakespeare, Jean Lawlis and Janet Hughes; Shannon Cox was absent

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: Public Works Director Chip Swan and Economic Development Director Dean Bennett

Heather Foster, Hamlin Marina representative Dan Higgins and citizens

A. CONSENT AGENDA

Treasurer's Warrants were reviewed and signed by the Finance Committee at its meeting earlier in the evening. Motion by Councilor Cushing, seconded by Councilor Shakespeare to accept the balance of the Consent Agenda – unanimous vote in favor.

B. PUBLIC COMMENTS

Heather Foster of Orrington addressed the Council and made comments about air pollution and mercury contamination at the former HoltraChem site in Orrington. She commented that this might be a health issue in Hampden and feels that public officials should be looking at the risks.

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. APPLICATION FOR A LIQUOR LICENSE RECEIVED FROM ANGLERS, INC. d/b/a ANGLERS RESTAURANT at 91 COLDBROOK ROAD:

Mayor Arnett explained the procedure for the public hearing and then opened the hearing.

Proponents – none; Opponents – none: General Questions or Comments – None. The hearing was closed.

Motion by Councilor Cushing, seconded by Councilor Lawlis to approve the application – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

- a. DAVID CALIENDO – BOARD OF ASSESSMENT REVIEW –
INFRASTRUCTURE COMMITTEE RECOMMENDATION FOR
APPOINTMENT

Councilor Brann reported that the Infrastructure Committee unanimously recommends the appointment. Motion by Councilor Cushing, seconded by Councilor Hughes to accept the Committee's report and appoint David Caliendo to the Board of Assessment Review – unanimous vote in favor.

3. UNFINISHED BUSINESS

- a. SEWER LINE ACCEPTANCE – HUGHES BROTHERS, OFF
COLDBROOK ROAD – INFRASTRUCTURE COMMITTEE
RECOMMENDATION TO APPROVE

Councilor Brann reported that the Infrastructure Committee recommends acceptance of this sewer line extension. Manager Lessard reported that this has been reviewed and supported by Staff and Attorney Russell has reviewed the easement deed.

Motion by Councilor Shakespeare, seconded by Councilor Cushing to accept the sewer line from Hughes Bros. Vote was 5-0 in favor; Councilor Hughes abstained.

- b. PUBLIC WORKS EQUIPMENT – REQUEST TO PUT OUT TRUCK
BID – INFRASTRUCTURE COMMITTEE RECOMMENDATION TO
APPROVE

Councilor Brann reported that the Infrastructure Committee has reviewed this request with the Public Works Director and recommends approval to going to bid.

Motion by Councilor Brann, seconded by Councilor Cushing to authorize proceeding with obtaining bids for truck replacement – unanimous vote in favor.

- c. PROPOSED PRIVATE PUMP STATION – SAD #22 NEW HIGH
SCHOOL PROJECT – INFRASTRUCTURE COMMITTEE
RECOMMENDATION TO APPROVE

Councilor Brann reported that there are two options available to SAD #22 for connection to the existing sewer system – they can either connect to the pump station at the corner of Routes 9 and 202, which would have a very shallow pitch, or they can install a privately owned and operated pump station at the bottom of the hill by Reed's Brook. The Infrastructure Committee has reviewed the request and feels that the private pump station is the best solution and recommends approval.

Motion by Councilor Brann, seconded by Councilor Hughes to approve installation of a privately maintained and operated pump station for the benefit of SAD #22 at the designated location – unanimous vote in favor.

d. TRANSFER STATION REVIEW & OPERATION

1. INFRASTRUCTURE COMMITTEE RECOMMENDATION TO CONTINUE CURRENT OPERATIONS

Councilor Brann reported that when the current operations and procedures were put in place last year at the transfer station, the Council agreed to review the operations again by May of 2009. The Infrastructure Committee has reviewed the operations and procedures and discussed the pros and cons of continuing with current policies. The Committee voted 5-1 to continue operations as they currently exist.

Motion by Councilor Brann, seconded by Councilor Lawlis to continue current operations at the transfer station.

During discussion, Councilor Shakespeare expressed disagreement with the motion and suggested that the transfer station should be closed on Wednesdays and Thursdays and that it should be open for construction and demolition debris every Friday, Saturday and Sunday, not just alternate weekends. He doesn't feel there is any proof that the money saved can be attributed solely to the fact that C&D is only accepted on alternate weekends; but rather he believes the savings is due to monitoring the stickers at the gate and keeping contractors and non-residents out.

Following further discussion, vote on the motion was 5 in favor and 1 opposed (Shakespeare) – motion carried.

2. TRANSFER STATION ACCESS LIMITS – INFRASTRUCTURE COMMITTEE (3-2) RECOMMENDATION TO DENY ACCESS WITHOUT CURRENT TRANSFER STATION DECAL AFTER FEBRUARY 1, BEGINNING WITH 2010 YEAR

Councilor Brann reported that with a vote of 3-2, it is the recommendation of the Infrastructure Committee to deny access to the transfer station after February 1st without a current decal. Motion by Councilor Brann, seconded by Councilor Shakespeare to deny access to the transfer station without a current decal after February 1st.

During discussion, Councilor Brann noted that he was one of the committee members who voted in opposition for this because the expiration date on the sticker is December 31st, which indicates that after January 1st people would not be allowed access to the transfer station with the prior year's sticker. He feels that this action would be a contradiction to the date on the sticker and

that people should be required to get new stickers prior to January 1st.

Vote on the motion was 4 in favor; 1 opposed (Brann); 1 abstention (Hughes) – motion carried.

e. SERVICES COMMITTEE MISSION STATEMENT

In Councilor Cox's absence, Manager Lessard reported that it is the Services Committee recommendation to adopt the Mission Statement as proposed. Manager Lessard read the statement for the record (copy attached).

Motion by Councilor Cushing, seconded by Councilor Lawlis to adopt the Mission Statement as proposed.

Following discussion, vote on the motion was 4 in favor and 2 opposed (Brann and Hughes) – motion carried.

f. DOROTHEA DIX PARK ORDINANCE – DELETION OF SECTION 12, RESERVATIONS – SERVICES COMMITTEE RECOMMENDATION AND INTRODUCTION FOR PUBLIC HEARING

Councilor Brann introduced this item for public hearing at the next meeting.

g. TREE BOARD/FRIENDS OF DOROTHEA DIX PARK PRESENTATION – CONTINGENCY PLAN IN LIEU OF PROJECT CANOPY GRANT

Manager Lessard reported that Tree Board member Shelby Wright was going to make this presentation but was unable to be here. GIS/IT Specialist Gretchen was also unable to attend, but did provide a written report/request to Manager Lessard, which she read to the Council (copy attached).

Councilor Brann moved to authorize the Tree Board to proceed and order the plants necessary to complete the project with or without the grant from Project Canopy; and for purposes of discussion, Councilor Cushing seconded the motion.

There was discussion regarding the original presentation that was made to the Council in March and it was pointed out that at that time, the Council approved the project if the grant was awarded, up to \$9,000, most of which would be in-kind contributions of labor and staff time, to be funded from the Recreation/Conservation Reserve account. Upon successful receipt of the grant, the funds will be returned to that account. Because there were no representatives of the Tree Board present to answer questions that the Council had, Councilor Hughes moved and Councilor Lawlis seconded to table this item until the next meeting; vote was 5 in favor and 1 opposed (Brann) – motion carried.

Mission Statement:

As directed by the Town Council the Services Committee shall advise and recommend strategies and actions on matters of community recreation and development, parks, forests and reserves, sports grounds, public halls, libraries, walkways, camping grounds, community and cultural facilities, underground and above ground water resources and public property management.

The Services Committee shall promote a family-oriented community environment that provides for balanced allocation of the land resources among residential, business, and natural resource protection. It will encourage regional planning to promote connectivity to include trails providing natural interior and shoreland pathways within Hampden as well as pedestrian access to neighboring communities throughout the greater Bangor area.

04 May 2009 Council Request

Tree Board Project Canopy Grant Contingency Plan Request

The Project Canopy grant is not awarded until May 31st. The target planting date is June 27th. In order to select the trees needed so that a nursery can fill such a large order, we need to select trees much earlier, even before the grant announcement date. The Board also wants to ensure there is adequate time to dig the holes and ensure that the materials needed (mulch, compost) are ordered and fulfilled for the planting date.

- 1) The Board would like a decision from the Council about going forward with this project in the event that the grant is not awarded to Hampden.
- 2) The Board would like permission to select and order materials at area nurseries prior to the award date of May 31st.
- 3) The Board would like to ask the Council to consider waiving the bid process for materials so that they can have the freedom to select from more than one nursery to ensure the best stock is chosen for this project.

Benefits of doing this project (spending the entire amount from the town) even if not awarded grant:

- will take care of the Tree City USA spending requirement, ensuring our status for another year
- will bring community organizations together and create sense of civic pride
- this is part of a long-term plan for the pool area

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4. NEW BUSINESS

a. HEALTH OFFICER APPOINTMENT – TOWN MANAGER

Manager Lessard reported that former Health Officer Vivian Gresser no longer wishes to serve in that capacity. Manager Lessard has had some discussions with the City of Bangor about sharing the services of a Health Officer, however in the interim; the State had passed regulations requiring every community to have a named health officer who had taken the training associated with Local Health Officer Certification. Manager Lessard has completed the training and requested that the Council appoint her as Health Officer until we change to an agreement with the City of Bangor.

Motion by Councilor Cushing, seconded by Councilor Lawlis to appoint Town Manager Lessard as the Town's Health Officer – unanimous vote in favor.

b. SEWER COMMITMENT – FIRST QUARTER 2009

Motion by Councilor Cushing, seconded by Councilor Hughes to sign the commitment – unanimous vote in favor. The commitment was circulated for signatures of the Council.

c. REQUEST FOR TAX ABATEMENT – ARTHUR MURRAY ESTATE

Manager Lessard informed the Council that this property had gone into foreclosure last year, but the Estate redeemed it for all outstanding costs and fees through 2008. The 2008/2009 taxes are unpaid and the estate has made arrangements to sell it to the neighbor for the value of the land only because the house has been deemed to have no value by our assessor. The abatement request is for the amount of the building that was on the property. The total abatement amount is \$666.21, leaving a total amount to be collected of \$367.29 plus interest.

Motion by Councilor Shakespeare, seconded by Councilor Cushing to abate the taxes as requested – unanimous vote in favor.

d. RESOURCES FOR APPRAISALS – HAMLIN PROJECT – REFERRAL BY PLANNING & DEVELOPMENT COMMITTEE

Councilor Cushing explained that the property known as Turtle Head Marina is currently leased by Hamlin Marine and Hamlin's owns the improvements on the property. Hamlin's also has an option to purchase an abutting parcel of land and they have proposed a land swap with the Town whereby Hamlin's would own the current marina parcel and the Town would own the abutting parcel for possible future development of a park area. Councilor Cushing noted that this is a somewhat complicated process because there were federal and state funds used in the development of the marina. He explained that in order to potentially acquire the abutting parcel for a public park, we would have to ascertain

the value and a survey would also need to be done. The Planning & Development Committee has discussed this project over several meetings and the Committee is interested in pursuing aspects of this proposal that may benefit the Town.

Councilor Cushing further reported that the Finance Committee also discussed this proposal earlier this evening and some members asked for clarification of the relationship between the Town and Hamlin Marine before we commit to expending the estimated \$14,000 for the appraisals and survey. Mayor Arnett added that the Finance Committee requested that the Planning & Development Committee generate a memorandum of understanding so everybody would be clear about the relationship. Councilor Cushing will bring it back to the Planning & Development Committee later this week.

Councilor Cushing then asked Dan Higgins of Hamlin Marine to give a brief presentation of the proposed project to the full Council and for the benefit of the public.

**e. TITLE CHANGE – ECONOMIC DEVELOPMENT SPECIALIST –
PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION**

Councilor Cushing reported that at its last meeting, the Planning & Development Committee had discussion about the title designation for Dean Bennett, the current Economic and Community Development Specialist. The contract with former Economic Development Director Bion Foster has expired and the committee recommends changing Dean's title to Economic Development Director. Manager Lessard noted that this title more accurately reflects Dean's role in the community.

Motion by Councilor Brann, seconded by Councilor Cushing to approve the title change – unanimous vote in favor.

f. BUDGET SCHEDULE

The proposed schedule of budget meetings was approved by the Council.

D. COMMITTEE REPORTS

There were none.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached hereto.

F. COUNCILOR'S COMMENTS

Councilor Cushing expressed concern about the budget this year and he asked Manager Lessard if she has had any conversations with SAD #22 regarding the effect the State budget cuts will have on their budget. Manager Lessard said it was her

MANAGER'S REPORT
MAY 4, 2009

State Budget Changes – The newest proposed budget cuts at the State level make the budget balancing act for this year even more difficult. On the municipal side, cuts to Revenue Sharing and a reduction in funding for the Homestead Exemption, as well as tree growth tax reimbursement reduce anticipated revenues. You will be receiving your budget information this week in preparation for next Monday's first budget meeting.

Channel 7 – Channel 7 will be airing the six o'clock news on Thursday, May 14th from the front of the Hampden Municipal Building. We are their kick-off show for a series of off-site news broadcasts over the course of the summer.

Newsletter – A reminder that the deadline for submitting articles for the next newsletter is June 12th. In addition to department updates, this edition will feature our Communication efforts with a major piece on using our website as well as the Cable TV piece and the newsletter itself.

HBA Dinner – The dinner is on Wednesday, May 13th at 5 p.m. at the Spectacular Events Center. David Plowman is this year's Business Person of the year.

New Work Week Schedule Begins – Today is the first day of the 4-ten-hour-day workweeks for the administration building. We mailed notices to all Hampden residents as part of the last newsletter and also have posted notices on the website, the Cable TV station and in the lobby.

BEP Meeting – Thursday – I will be attending the regular BEP meeting in Augusta on Thursday, May 7th but should be back in the office by 2.

Former Economic Development Director – I am pleased to report that former Economic Development Director Bion Foster is at home and doing well in recovering from a recent health event. He and Dorain greatly appreciate the cards and notes that they have received.

Development Team Report – Attached to this report is a report from the Economic Development team related to commercial and residential activity in the community. Dean Bennett will be providing this type of report to the Council on a monthly basis.

Development Team Report
Project Status
May 1, 2009

Commercial:

Anglers Restaurant

Owner: Bud Hall
Project: Anglers Restaurant
Location: Corner of Coldbrook and 202 (stone house)
Status: Application Submitted and Approved
Construction Plans Submitted and Approved
Awaiting Final Inspection (Certificate of Occupancy)

Rawcliffe Car Wash

Owner: Jeff Rawcliffe
Project: Car Wash (Automated with bays)
Location: Main Road North
Status: Application Submitted and Approved
Awaiting Construction Plans

Rite Aid Pharmacy:

Owner: Rite Aid
Project: Pharmacy
Location: Western Avenue
Status: Application Submitted and Approved
Awaiting Building Plans Submission

Dunkin Donuts:

Owner: Tony DeCosta
Project: Duncan Donuts
Location: Town Center
Status: Application Submitted and Approved
Renewal of Certificate of Appropriateness (April 09)

Residential:

Dance Hall Subdivision

Owner: Lane Construction
Project: Residential Subdivision
Location: Off Main Road North
Status: Subdivision Application Submitted and Approved
Ground Construction Underway

Institutional:

High School

Owner: MSAD
Project: High School Construction
Location: Four Mile Square
Status: Site Plan Review Submission Expected (May09)

NOTE:

Inquiries/Confidential Discussion: Due to the necessity and expectation of confidentiality, I am unable to provide more specific information at this time on the ongoing discussions:

Park Property Lots: (Availability)
Retail Establishment (Location Inquiries)
Commercial Establishment (Location Inquiries)
Retail Re-location: (Availability/Options for Expansion)

Respectfully Submitted,

Dean L. Bennett
Community and Economic Development Specialist

Development Review Team:

Dean Bennett, Community and Economic Development
Gretchen Heldmann, IT/GIS
Ben Johnson, Code Enforcement
Bob Osborne, Planner
Chip Swan, Public Works

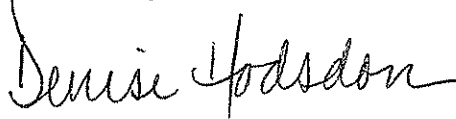
understanding that stimulus funds seem to absorb some of the cuts in this current year. She said the problem will be in the next couple of years when the confluence of flat funding and reduced stimulus money creates a place where education paid for by the State will be at 45% instead of close to the 55% or at the 49%, where we are now. Therefore when that happens, the local share will be larger, even if the school budget doesn't grow.

Councilor Cushing further commented that Hampden's participation in the Hike for the Homeless was once again the largest contingent of the four communities that participated. He expressed thanks to Mayor Arnett for his participation and to Walt Cupples and school personnel. He said it was a very proud moment to see the Sea of Purple again.

Councilor Shakespeare commented that several citizens have asked why the Town put the traffic lights on Route 202 near the post office. He has informed them that the Town did not have the lights installed. Manager Lessard said she believes that the lights were installed due to the re-routing of traffic on I-395 and that they are only temporary. She will confirm that with the State.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:13 p.m.

A handwritten signature in cursive script that reads "Denise Hodsdon".

Denise Hodsdon
Town Clerk

A-4-a

116 Heather Way
Hampden, ME 04444
June 14, 2009

Susan M. Lessard
Town Manager
Town of Hampden
106 Western Ave.
Hampden, ME 04444

Dear Mrs. Lessard,

Recently it was necessary for me to call for emergency services. Both Times it was during the early morning. The response was quick and Very efficient. The crew arrived in the most orderly matter, went right To their task, and were cery reassuring to my wife. Their manner was Extremely professional.

The driver used care in driving and told me they would obey all traffic

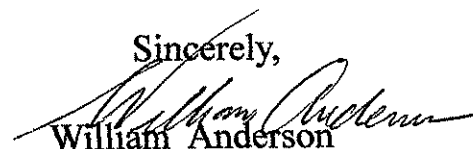
Rules.- they did. On the way they alert the emergency room staff as To what they were doing, so the staff could begin treatment Immediately.

L believe that credit is due to all the members of the town government To provide this service. I believe that anyone who has used this service

Would agree that the best interest of our citizens was uppermost in the Minds of the council and staff to provide the necessary training for the EMS service.

Many thanks from the Anderson family for the excellent service you Provided my wife Edith. We appreciate it very much.

Sincerely,

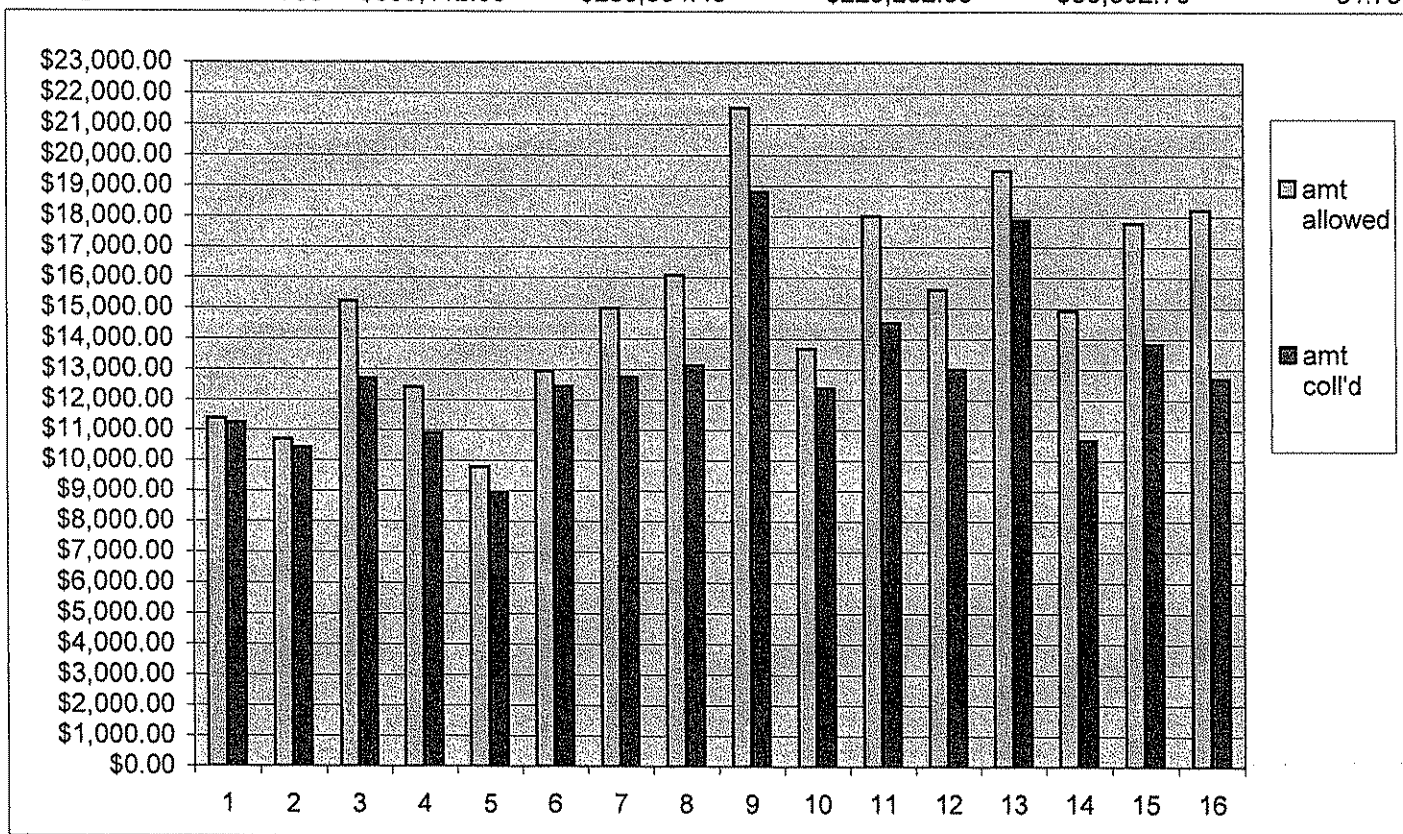

William Anderson

June 24, 2009

AMBULANCE COLLECTION WORKSHEET

A-5-a

MONTH	#RUNS	AMOUNT BILLED	AMOUNT ALLOWED	AMOUNT COLLECTED	AMOUNT OUTSTANDING	PERCENT COLLECTED
MAY'07	33	\$17,165.00	\$11,390.94	\$11,251.09	\$139.85	98.77
SEPTEMBER'07	30	\$14,965.00	\$10,713.21	\$10,433.21	\$280.00	97.39
JANUARY '08	25	\$21,090.00	\$15,228.44	\$12,703.62	\$2,524.82	83.42
FEBRUARY '08	36	\$14,685.00	\$12,412.26	\$10,907.26	\$1,505.00	87.87
MARCH '08	30	\$12,360.00	\$9,795.87	\$8,965.87	\$830.00	91.53
APRIL '08	36	\$17,015.00	\$12,945.00	\$12,444.64	\$500.36	96.13
MAY '08	46	\$23,860.00	\$14,999.55	\$12,752.55	\$2,247.00	85.02
JUNE '08	36	\$23,519.00	\$16,082.19	\$13,136.86	\$2,945.33	81.69
JULY '08	51	\$31,591.00	\$21,531.06	\$18,808.46	\$2,722.60	87.36
AUG '08	41	\$23,728.00	\$13,676.41	\$12,399.09	\$1,277.32	90.66
SEPT '08	39	\$23,053.00	\$18,014.40	\$14,519.38	\$3,495.02	80.60
OCT '08	38	\$21,814.00	\$15,602.12	\$13,002.40	\$2,599.72	83.34
NOV '08	45	\$28,158.00	\$19,501.78	\$17,897.29	\$1,604.49	91.77
DEC '08	40	\$23,302.00	\$14,907.85	\$10,674.04	\$4,233.81	71.60
JAN '09	40	\$24,243.00	\$17,785.34	\$13,824.95	\$3,960.39	77.73
FEB '09	40	\$23,858.00	\$18,224.13	\$12,697.14	\$5,526.99	69.67
MAR '09	54	\$27,199.00	\$20,444.58	\$15,293.85	\$5,150.73	74.81
APRIL '09	40	\$21,507.00	\$17,279.30	\$7,570.86	\$9,708.44	43.81
					\$0.00	#DIV/0!
TOTAL	700	\$393,112.00	\$280,534.43	\$229,282.56	\$36,392.70	81.73



LUKA HOIT POOL

Board Meeting Minutes ~ 5/12/09

4-5-6

Dan Brooks brought the meeting to order at 7:05 pm.

Those present: Dan Brooks, Norman Stern, Karen Brooks, Mary Ellen Conner, Whitey Miller, Cedena McAvoy, Darcey Peakall, and Julie Macleod. Not present: Garry Greene, Kim McNutt and Jim Feverston.

The secretary's minutes were accepted as presented.

The Director's Report for May:

- ~ The number of participants in April was up 611 people and daily receipts were up \$3,635 compared to last year. This was due to registration falling in April this year.
- ~ The pool rental income was up \$240 compared to last year.
- ~ The monthly fuel usage went down by 1,041.2 gallons. So far, the pool has saved 2,638 gallons since the beginning of January.

Darcey presented the board a bill for \$120.00 for swim lessons. A motion was made to pay the bill from the general scholarship fund. The motion was passed 6-0.

Karen and Darcey left word with Kim and Garry that they need to renew their board position.

A discussion was held about the attendance of board members and should there be a mandatory amount of meetings that must be attended. No action was taken at this time.

Darcey has paid \$199 for 22 30-second commercials to be aired on ABC7 during the week of May 10th as part of the *Live On The Road Newscast*.

Darcey reported that the baby dinosaur slide will be shipped the week of May 25th and the remainder of the seashell slide will be taken out June 21st.

Cedena spoke with Annie O'Reilly about getting an article in Hampden Highlights announcing the new slide and promoting the pool. Cedena will also contact Bangor Daily News about doing a future article about the benefits of our pool.

Dan put an advertisement on Hampden's channel 7 about the slide coming soon. The board would like to have an announcement on the town's web site as well. Dan will take care of having a plywood sign made for the front yard to advertise the grand opening of the baby dinosaur slide.

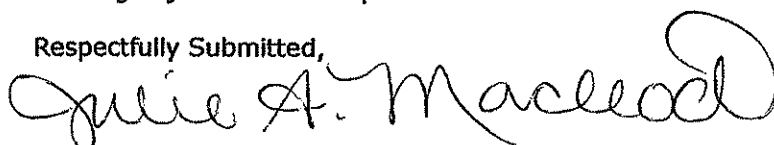
Penobscot Job Corps would like to do some onsite job training for their students. They will be bringing 6-8 students to work on the landscaping. They will weed, trim, mulch, clean up the area, etc. as long as the pool pays for mulch and lunch for their students. A motion was made to purchase the mulch from the landscape account and that Darcey will take care of providing lunch. The motion was passed 6-0. Dan will set up the mulch delivery.

The treasurer's report was accepted as submitted in writing.

Cedena spoke on Jim's behalf about price quotes for possible banners to be made and hung at the end of RT 202 and/or over the road in front of the Weatherbee School. The board tabled a decision until next month.

Meeting adjourned at 8:33pm.

Respectfully Submitted,



Julie A. Macleod

A-5-c

TOWN OF HAMPDEN
EDYTHE DYER LIBRARY ROOF REPLACEMENT
BID SHEET

June 22, 2009
10:00 AM

BIDDER	TOTAL BID
Quoddy Home Improvements 1017 Stillwater Ave., Old Town, ME	\$11,600.00
A.A. Randall & Sons 29 Alley Way, Glenburn, ME	\$10,600.00
Roof Systems of Maine P O Box 1134, Bangor, ME	\$10,730.00
Williams Roofing 40 Liberty Dr., Brewer, ME	\$10,560.00
Advanced Roof Systems, Inc. P O Box 428, Brewer, ME	\$ 9,850.00
Jarr Management 2424 N. Belfast Ave., Augusta, ME	\$10,750.00
Leadbetters Custom Contracting P O Box 1357, Bangor, ME	\$ 8,625.00

selected

NOTE: A bid was received from Jeremy Sawyer, but was for labor only (\$6,240.00), which did not meet the bid specifications.

TO: Hampden Town Council
FROM: Sue Lessard, Town Manager
DATE: July 2, 2009
RE: Town Garage Doors

The purpose of this memo is to notify the Council that the Public Works Director has obtained a price of \$7,450 for the replacement of four garage doors at the Public Works Garage from PDQ Door of Hampden. This price is just \$450 more than was budgeted for two garage doors at the facility, so we are able to complete more of that replacement project this year than had been anticipated. This memo is consistent with the new Council Bid Guidelines that require the Manager to notify the Council as part of the consent agenda of items purchased between the amounts of \$5,000 and \$10,000.

Community and Economic Development Report
Project Status
July 1, 2009

Commercial:

Rawcliffe Car Wash

Owner: Jeff Rawcliffe
Project: Car Wash (Automated with bays)
Location: Main Road North
Status: Application Submitted and Approved
Awaiting Construction Plans

Rite Aid Pharmacy:

Owner: Rite Aid
Project: Pharmacy
Location: Western Avenue
Status: Application Submitted and Approved
Awaiting Building Plans Submission

Dunkin Donuts:

Owner: Tony DeCosta
Project: Duncan Donuts
Location: Town Center
Status: Application Submitted and Approved
Renewal of Certificate of Appropriateness (April 09)

Residential:

Dance Hall Subdivision

Owner: Lane Construction
Project: Residential Subdivision
Location: Off Main Road North
Status: Subdivision Application Submitted and Approved
Ground Construction Underway

Institutional:

High School

Owner: MSAD
Project: High School Construction
Location: Four Mile Square
Status: Initial Overview Presented to Planning Board

Development Review Team Meetings:

Drafting amendments to:

Article 4 General Regulations: Site Plan Review Procedures

Creating Landscaping Provisions for:

Designated commercial zones in order to approve the overall aesthetic appearance of new or re-developed of businesses.

Development Outreach:

Inquiries/Confidential Discussion:

Park Lots: Availability/Price

Retail Establishment: Location/Relocation

New Contacts/Potential Developments

Ocean Organics - Waldoboro

Katahdin Studio Furniture - Lewiston

Respectfully Submitted,

Dean L. Bennett
Community and Economic Development Director

INFRASTRUCTURE COMMITTEE MEETING
MINUTES

Monday, June 22, 2009

Attending:

Chair Tom Brann
Councilor Shannon Cox
Councilor Andre Cushing
Councilor William Shakespeare
Town Manager Susan Lessard

Public Works Director Chip Swan

The meeting was opened at 6:15 following the Services Committee meeting.

1. The minutes of the May 26, 2009 meeting were approved by unanimous consent.
2. Old Business
 - a. The Town Manager provided an update on the composting ideas. She is currently working on completing a budget plan to assess the fiscal impact of some sort of municipal composting effort.
 - b. The Public Works Director reported that the bids received for repairs to the Library Roof were under the requirement for Council approval and that they would be reported to the Finance Committee for inclusion on the consent agenda for the first Council meeting in July.
 - c. The Public Works Director reported that he was able to negotiate a price for four new garage doors at the Town Garage for approximately \$450 more than had been budgeted for two. This item is under the \$10,000 bid amount but will be reported to the Finance Committee at the 7/6/09 meeting.
 - d. Mayo Road Update. The Public Works Director indicated that the project was at a point where the Council should decide whether or not to put this construction project out to referendum on the November 2009 ballot. Motion by Andre Cushing/Seconded by Councilor Cox to recommend to the full council that an ordinance be prepared and a public hearing held to consider a public referendum vote on this issue at the November election in 2009.
 - e. Route 1a Sewer – The Public Works Director updated the Committee on the status of the project. Bids have been awarded, a pre-construction contract-signing was held on June 16th and the project should be underway by the beginning of July.
3. New Business
 - a. The Town Manager reported that she had discussed the idea of reducing the speed on Library road with the Public Safety in response to a

request from several residents of Avalon Village. Since this is now a town road, the Maine Department of Transportation has to do an assessment and report the results of that to the Town. The purpose of it being on this agenda is to determine if this proposal is something that would be supported by the Infrastructure Committee. It was the consensus of the Committee members to endorse the concept of reducing the speed limit on Library Road to 15 mph.

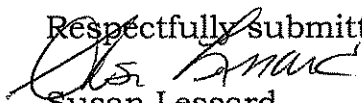
b. Sewer Fee Increase – The Town Manager presented information related to income from sewer use developed that, due to the upcoming sewer construction project, decrease in water usage for sewer billing, and increased maintenance costs have created a need for a sewer rate increase. This would be the first rate increase in sewer in 11 years. It was the unanimous consent of those present to recommend to the full council that a \$1 per 100 cubic foot rate increase be adopted to appropriately fund the sewer.

4. Public Comment – None

5. Committee Member Comment – Councilor Cox raised an issue requested by a constituent in which the person wanted a fixed traffic signal at the Route 1A/Kennebec Road intersection to aid morning traffic. Committee members discussed the issue with the Town Manager and the Public Works Director. This item has been requested before and MDOT is not willing to locate another signal on 1A in such close proximity to the Route 1A/ Western Avenue light. It was brought up by Councilor Brann that traffic patterns would be changing dramatically once the new High School was constructed and that would further negate the idea of a fixed signal at that location.

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,



Susan Lessard
Town Manager

A-5-g

SERVICES COMMITTEE MEETING MINUTES
Monday, June 22, 2009

Attending:

Councilor Shannon Cox, Chair
Councilor Andre Cushing
Councilor Tom Brann
Town Manager Sue Lessard

The meeting was opened at 6 p.m. by Chair Cox.

The one item on the agenda was the discussion of the proposed Community Room Use Policy. This policy is designed to clarify the policy for allowing the room to be used by town staff, non-profits, and for-profit entities. The policy had previously been reviewed by the Finance Committee and that group recommended that policy be recommended to the full Council for adoption.

After some discussion related to how this policy would impact emergency use situations for the facility, a motion was made by Andre Cushing, seconded by Tom Brann to recommend approval to the full Council. Vote 4-0.

The meeting was adjourned at 6:15 p.m.

Respectfully submitted,



Susan Lessard
Town Manager

4-5-h

From: Chip Swan (hampdenpw@tds.net)
To: 'Light Lady'
Date: Monday, June 29, 2009 2:13:40 PM
Subject: DEmo

Susan,

Last weekend we had 1036 people in the Transfer Station. 239 stickers holders utilized the Demo and brush piles. Out of the 239 there were 50 repeat customers. 18.2% used the Demo and brush piles. Chip



FINANCE COMMITTEE MEETING
MINUTES
June 15, 2009

Attending:

Mayor Matthew Arnett	Sue Lessard Town Manager
Councilor William Shakespeare	Chip Swan, Public Works Director
Councilor Jean Lawlis	
Councilor Tom Brann	
Councilor Andre Cushing	
Councilor Shannon Cox	

The meeting was opened at 5:45 p.m. by Mayor Arnett.

1. Minutes of the June 1, 2009 meeting were reviewed. No changes were made and they were accepted by unanimous consent.
2. Financial reports for the month of May were reviewed by the Committee.
3. Warrants were distributed for signature and were accepted by unanimous consent.
4. Old Business
 - a. Maine Public Employees Retirement System Plan Change
Documents needed for 7/1/09. The Town Manager presented a document containing the language necessary to formally adopt the new Public Safety employees' retirement plan through the State. The contribution for the town will be 8.4% of salary. Any increase in percentage contribution requirements for the plan will be borne by the employees. Motion by Tom Brann, seconded by Shannon Cox to recommend to the full Council that they approve the document as presented. Unanimous vote.
 - b. Bid Results – Route 1A Sewer. The Public Works Director presented the bids for the Route 1A sewer project. Sargent Corp was the low bidder and it was the recommendation of the director that the low bid from Sargent be accepted. Motion by Shannon Cox, seconded by William Shakespeare to recommend to the full council that the low bid of Sargent Corp be accepted. Unanimous vote.
5. New Business
 - a. Bid Amount – Review of Policy. The Finance Committee reviewed the existing Town Council Bid Procedures. The existing bid requirement of \$4,000 for purchases and \$1,000 for sales is somewhat low considering the high cost of formal advertising that is required above those limits. Motion by Shannon Cox, seconded by William Shakespeare to recommend to the full Council the amendment of the Council Bid Procedures to change the bid amount to \$10,000 for purchases and \$5,000 for sales and in addition to use the website and Cable TV station to advertise for

purchases/sales below those amounts. Unanimous consent. Also discussed was the idea that the Town Manager should include on the consent agenda for the full council the purchase/sale of any items with a value between \$5,000 and \$10,000 for purchases and \$1,000 and \$5,000 for sales. He/she should also include these items on the Finance Committee agenda for notification purposes.

- b. Lawn Tractor – The Public Works director notified the Finance Committee of his intent to purchase a lawn tractor that was part of the 2009/2010 budget. The change in bid guidelines, if endorsed by the full Council, would make it unnecessary to go through the formal bid process.
- c. Garage Door Bids – The change in bid guidelines, if endorsed by the full Council would make it unnecessary to go through the formal bid process. The Public Works Director indicated that he was going to be able to get four new garage doors for just a little more - \$450 – than had been budgeted for two.

6. Public Comment – None.

7. Committee Member Comments – None

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

A-5-j

Rapid Renewal Transaction Volume Summary

Town of Hampden: Transaction date >= 20090601 and < 20090701

Payment Method	Transaction Count	Transaction Amount	Processing Fees
Credit/Debit Card	0	0.00	0.00
Electronic Check	58	9011.19	0.00
TOTAL	58	9011.19	

Class Code Summary

Class	Count
AQ	1
BB	2
CR	6
MC	5
PC	40
TL	1
VT	3

Rapid Renewal
June 2009



C-1-a

TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Post-Construction Stormwater Management Ordinance
DATE: June 22, 2009

As you will recall on June 15, 2009 the Council returned this item to the Town Council Planning and Development Committee to work through some issues. That committee met on June 17, 2009 and discussed the questions raised primarily in Councilor Hughes memorandum. Staff provided written response prior to the meeting. Attached is an excerpt of the draft minutes from that meeting:

3. Old Business

a. Post Construction Storm Water Ordinance

CEO Ben Johnson presented a written response to the six issues of concern raised by Council Hughes at the June 15th Council Meeting. The following actions were taken by the Committee:

Definition of Disturbed Area: Committee voted to amend the definition of disturbed area to be consistent with State definitions.

Definition of Qualified Inspector: Committee voted to require an engineer to sign off on inspections until such time the DEP designs and implements a satisfactory program of inspection training and qualification.

Administrative/Engineering Fees: Committee voted to send the issue of fee determination to the Finance Committee. If it should be necessary to impose a fee prior to Finance Committee recommendation and subsequent Council approval, fees will be assessed based on actual costs associated with program implementation.

Applicability: Committee voted that Post Construction Stormwater Ordinance apply to defined urban area and not the rural areas of the community.

Final Action: Planning and Development Committee voted to direct staff to amend text as agreed and circulate to committee prior to forwarding to Council. Committee forwards recommendation to Council as "ought to pass".

At the time of this writing staff has had response from Councilor Hughes only.

The Town of Hampden Hereby Ordains that the following Ordinance be adopted:
Post-Construction Stormwater Management Ordinance

ADOPTED: Hampden Town Council,
Effective Date:

CERTIFIED BY: Denise Hodsdon
Name

Town Clerk
Title Affix Seal

Post-Construction Stormwater Management Ordinance

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Section 1. Purpose.

The purpose of this “Post-Construction Stormwater Management Ordinance” (the “Ordinance”) is to provide for the health, safety, and general welfare of the citizens of the Town of Hampden through review and approval of *Post-Construction Stormwater Management Plans* and monitoring and enforcement of compliance with such plans as required by federal and State law. This Ordinance establishes methods for post-construction stormwater management in order to comply with minimum control measures requirements of the federal *Clean Water Act*, of federal regulations and of Maine’s Small Municipal Separate Storm Sewer Systems General Permit.

Section 2. Objectives

This Ordinance seeks to meet the above purpose through the following objectives:

- A. Reduce the impact of post-construction *discharge* of *stormwater* on receiving waters; and
- B. Reduce *stormwater* runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through use of *Best Management Practices* as promulgated by the Maine Department of Environmental Protection pursuant to its Chapters 500 and 502 Rules, and ensure that these management controls are properly maintained and pose no threat to public safety.

Section 3. Definitions. (Note: Defined terms appear in *italics* throughout this ordinance).

For the purposes of this Ordinance, the terms listed below are defined as follows:

A. Applicant. “*Applicant*” means a *Person* with requisite right, title or interest or an agent for such *Person* who has filed an application for *New Development* or *Redevelopment* that requires a *Post-Construction Stormwater Management Plan* under this Ordinance.

B. Best Management Practices (“BMP”). “*Best Management Practices*” or “*BMPs*” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. *BMPs* also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

C. Clean Water Act. “*Clean Water Act*” means the federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*, also known as the “*Clean Water Act*”), and any subsequent amendments thereto.

D. Construction Activity. “*Construction Activity*” means work or activity undertaken on the *Premises* that results in one acre or more of *Disturbed Area*, or activity with less than one acre of total land area that is part of a subdivision, if the subdivision will ultimately disturb equal to or greater than one acre.

E. Discharge. “*Discharge*” means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of *Pollutants* to “waters of the State.” “*Direct discharge*” or “point

source” means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which *Pollutants* are or may be *discharged*.

F. Disturbed Area. “*Disturbed Area*” means all land areas that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a project.

“*Disturbed area*” does not include routine maintenance, but does include re-development and new impervious areas. “Routine maintenance” is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces while maintaining the original line and grade, hydraulic capacity and original purpose of the facility is considered routine maintenance. Cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered “*disturbed area*”.

G. Enforcement Authority. “*Enforcement Authority*” means the Code Enforcement Officer and or the Public Works Director who are both authorized by the *Municipality* to administer and enforce this Ordinance.

H. Municipality. “*Municipality*” means the Town of Hampden.

I. Municipal Permitting Authority. “*Municipal Permitting Authority*” means the municipal official or body that has jurisdiction over the land use approval or permit required for a *New Development* or *Redevelopment*.

J. Municipal Separate Storm Sewer System, or MS4. “*Municipal Separate Storm Sewer System*” or “*MS4*,” means conveyances for storm water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any *municipality*, sewer or sewage district, fire district, State agency or Federal agency or other public entity that *discharges* directly to surface waters of the State.

K. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. “*National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit*” means a permit issued by the U.S. Environmental Protection Agency (“EPA”) or by the Maine Department of Environmental Protection (“DEP”) that authorizes the *discharge* of *pollutants* to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

L. New Development. “*New Development*” means any *Construction Activity* on unimproved *Premises*.

M. Person. “*Person*” means any individual, firm, corporation, *municipality*, quasi-municipal corporation, State agency or Federal agency or other legal entity.

N. Pollutant. “*Pollutant*” means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological

materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

O. Post-Construction Stormwater Management Plan. “*Post-Construction Stormwater Management Plan*” means *BMPs and Stormwater Management Facilities* employed by a *New Development or Redevelopment* to meet the standards of this Ordinance and approved by the *Municipal Permitting Authority*.

P. Premises. “*Premises*” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the *Municipality* from which *Discharges* to the *Storm Drainage System* are or may be created, initiated, originated or maintained.

Q. Qualified Post-construction Stormwater Inspector. “*Qualified Post-construction Stormwater Inspector*” means a Professional Engineer who conducts post-construction *Stormwater Management Facilities* inspections for compensation and has a practical knowledge of *stormwater* hydrology and *stormwater* management techniques, including the maintenance requirements for *stormwater* management facilities, and the ability to determine if *stormwater management facilities* are performing as intended.

R. Redevelopment. “*Redevelopment*” means *Construction Activity* on *Premises* already improved with buildings, structures or activities or uses, but does not include such activities as exterior remodeling.

S. Regulated Small MS4. “*Regulated Small MS4*” means any *Small MS4* regulated by the State of Maine “General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems” effective July 1, 2008 (“General Permit”), including all those located partially or entirely within an *Urbanized Area* (UA) and those additional *Small MS4s* located outside a UA that as of the issuance of the General Permit have been designated by the DEP as *Regulated Small MS4s*.

T. Small Municipal Separate Storm Sewer System, or Small MS4. “*Small Municipal Separate Storm Sewer System*”, or “*Small MS4*,” means any *MS4* that is not already covered by the Phase I *MS4* stormwater program including municipally owned or operated storm sewer systems and State or federally-owned systems, such as Maine Department of Transportation Maine Turnpike Authority road systems and facilities.

U. Storm Drainage System. “*Storm Drainage System*” means the *Municipality’s Regulated Small MS4*.

V. Stormwater. “*Stormwater*” means any Stormwater runoff, snowmelt runoff, and surface runoff and drainage; “Stormwater” has the same meaning as “Storm Water.”

W. Stormwater Management Facilities. “*Stormwater Management Facilities*: means any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures that are part of the *Post-Construction Stormwater Management Plan* for a *New Development or Redevelopment*.

X. Urbanized Area (“UA”). “*Urbanized Area*” or “*UA*” means the areas of the State of Maine so defined by the latest decennial (2000) census by the U.S. Bureau of the Census.

Section 4. Applicability.

A. In General. This Ordinance shall apply to any application for a building permit, subdivision approval, site plan approval or other zoning, planning or land use approval that is filed on or after July 1, 2009 (or if filed before July 1, 2009, has not become a pending application within the meaning of 1 M.R.S.A. § 302) for any *New Development* or *Redevelopment* within the *Urbanized Area* that *Discharges Stormwater* to the *Municipality’s MS4* and to associated *Stormwater Management Facilities*, and to any *New Development* or *Redevelopment* that receives any such permits or approvals from the Town of Hampden on or after July 1, 2009.

B. Exception. This Ordinance does not apply to *New Development* or *Redevelopment* on a lot, tract or parcel where that lot, tract or parcel is part of a subdivision that is approved under this Ordinance; said lot, tract or parcel shall not require separate review under this Ordinance, but shall comply with the *Post-Construction Stormwater Management Plan* requirements for that approved subdivision.

Section 5. Post-Construction Stormwater Management Plan Approval

A. General Requirement. Except as provided in **Section 4.B.** above, no *Applicant* for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for *New Development* or *Redevelopment* to which this Ordinance is applicable shall receive such permit or approval for that *New Development* or *Redevelopment* unless the *Municipal Permitting Authority* for that *New Development* or *Redevelopment* also determines that the *Applicant’s Post-Construction Stormwater Management Plan* for that *New Development* or *Redevelopment* meets the requirements of this Ordinance.

B. Performance Standards

1. **Stormwater Treatment Required.** The *Applicant* shall make adequate provision for the management of the quantity and quality of all *stormwater* generated by the *New Development* or *Redevelopment* through a *Post-Construction Stormwater Management Plan*. This *Post-Construction Stormwater Management Plan* shall be designed by a Professional Engineer to meet the standards contained in the Maine Department of Environmental Protection’s Chapters 500 and 502 Rules and shall comply with the practices described in the manual *Stormwater Management for Maine*, published by the Maine Department of Environmental Protection, January 2006, which hereby are incorporated by reference pursuant to **30-A M.R.S.A. § 3003**.

2. **Location of Facilities.** The *Applicant* may meet the quantity and quality standards above either on-site or off-site, but where off-site facilities are used, the *Applicant* must submit to the *Municipality* documentation, approved as to legal sufficiency by the *Municipality’s* attorney, that the *Applicant* has a sufficient property interest in the property where the off-site facilities are located -- by easement, covenant or other appropriate legal instrument -- to ensure that the facilities will be able to provide post-construction *stormwater* management for the *New*

Development or Redevelopment and that the property will not be altered in a way that interferes with the off-site facilities.

3. **Maintenance Agreement Required.** Where the *Applicant* proposes to retain ownership of the *Stormwater Management Facilities* shown in its *Post-Construction Stormwater Management Plan*, the *Applicant* shall submit to the *Municipality* documentation, approved as to legal sufficiency by the *Municipality's* attorney that the *Applicant*, its successors, heirs and assigns shall have the legal obligation and the resources available to operate, repair, maintain and replace the *stormwater management facilities*. Applications for *New Development* or *Redevelopment* requiring *Stormwater Management Facilities* that will not be dedicated to the *Municipality* shall enter into a Maintenance Agreement with the *Municipality*. A sample of this Maintenance Agreement is attached as Appendix 1 to this Ordinance.

4. **Easements and Dedications.** Whenever elements of the *Stormwater Management Facilities* are not within the right-of-way of a public street and the facilities will not be offered to the *Municipality* for acceptance as public facilities, the *Municipal Permitting Authority* may require that perpetual easements not less than thirty (30) feet in width, conforming substantially with the lines of existing natural drainage, and in a form acceptable to the *Municipality's* attorney, shall be provided to the *Municipality* allowing access for maintenance, repair, replacement and improvement of the *Stormwater Management Facilities*. When an offer of dedication is required by the *Municipal Permitting Authority*, the *Applicant* shall be responsible for the maintenance of these *Stormwater Management Facilities* under this Ordinance until such time (if ever) as they are accepted by the *Municipality*.

5. **Conflict with State Laws or Rules.** In addition to any other applicable requirements of this Ordinance and the *Municipality's* land use ordinances, any *New Development* or *Redevelopment* which also requires a *stormwater* management permit from the Maine Department of Environmental Protection (DEP) under 38 M.R.S.A. 420-D shall comply with the rules adopted by DEP under 38 M.R.S.A. 420-D(1), as the same may be amended from time to time, and the *Applicant* shall document such compliance to the *Municipal Permitting Authority*. Where the standards or other provisions of such *stormwater* rules conflict with municipal ordinances, the stricter (more protective) standard shall apply.

6. **Engineering and administrative fees.** At the time of application, the *Applicant* shall pay to the *Municipality* the amount estimated by the Municipal Reviewing Authority to be sufficient to pay the engineering, legal review, and administrative costs incurred by the *Municipality* in review of the *Post-Construction Stormwater Management Plan*. The *Municipality* shall deduct from this amount the actual engineering, legal and administrative costs incurred by the *Municipality*. Any remaining engineering, legal and administrative review costs owed by the *Applicant* shall be paid in full by the *Applicant* prior to the issuance of any temporary or permanent certificate of compliance for the *New Development* or *Redevelopment*, and any unused balance remaining at that time shall be refunded to the *Applicant*.

In addition, any *persons* required to file an annual certification under Section 6 of this Ordinance shall pay, prior to the issuance of any temporary or permanent certificate of compliance for the *New Development* or *Redevelopment*, an amount estimated to equal the *Municipality's* administrative and technical costs of review of the annual certification.

7. **Notice of BMP Discharge to Municipality's MS4.** At the time of application, the *Applicant* shall notify the *Municipal Permitting Authority* if its *Post-Construction Stormwater Management Plan* includes any *BMP(s)* that will *discharge* to the *Municipality's MS4* and shall include in this notification a listing of which *BMP(s)* will so *discharge*.

8. **As-Built Certification.** Prior to the issuance of a Certificate of Compliance for a project requiring a *Post-Construction Stormwater Management Plan* under this ordinance, the *Applicant* shall submit evidence in the form of a letter or plan prepared and stamped by a Professional Engineer who either prepared the *Post-Construction Stormwater Management Plan* and its associated Facilities or supervised the Plan and Facilities construction and implementation. The letter or plan shall certify that the *Stormwater Management Facilities* have been installed in accordance with the approved *Post-Construction Stormwater Management Plan* and that they will function as intended by said Plan.

Section 6. Post-Construction Stormwater Management Plan Compliance

A. General Requirements. Any *Person* owning, operating, leasing or having control over *Stormwater Management Facilities* required by a *Post-Construction Stormwater Management Plan* approved under this Ordinance, and the Facilities are located in the *Urbanized Area* and *Discharge Stormwater* to the *Municipality's MS4*, shall at their own expense demonstrate compliance with that Plan as follows.

1. **Scope of Inspection.** A *Qualified Post-construction Stormwater Inspector* shall, at least annually, inspect the *Stormwater Management Facilities*, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved *Post-Construction Stormwater Management Plan*.

2. **Deficiencies Identified.** If the *Stormwater Management Facilities* require maintenance or repair to function as intended by the approved *Post-Construction Stormwater Management Plan*, that *Person* shall take or cause to be taken corrective action(s) to address the deficiency or deficiencies.

3. **Submission of Inspection Form.** A *Qualified Post-construction Stormwater Inspector* shall, on or by July 1 of each year, provide a completed and signed certification to the *Enforcement Authority* in a form identical to that attached as Appendix 2 to this Ordinance, certifying that he/she has inspected the *Stormwater Management Facilities* and that they are adequately maintained and functioning as intended by the approved *Post-Construction Stormwater Management Plan*, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the *Stormwater Management Facilities* and, if the *Stormwater Management Facilities* require maintenance or repair of deficiencies in order to function as intended by the approved *Post-Construction Stormwater Management Plan*, the *Person* shall provide a record of the required maintenance or deficiency and corrective action(s) taken.

B. Right of Entry. In order to determine compliance with this Ordinance and with the *Post-Construction Stormwater Management Plan*, the *Enforcement Authority* may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the *Stormwater Management Facilities*.

C. Annual Report. Beginning September 1, 2009 and September 1 each year thereafter, the *Municipality* shall include the following in its Annual Report to the Maine Department of Environmental Protection:

- 1 The cumulative number of sites that have *Stormwater Management Facilities* discharging into their *MS4*;
- 2 A summary of the number of sites that have *Stormwater Management Facilities* discharging into their *MS4* that were reported to the *Municipality*;
- 3 The number of sites with documented functioning *Stormwater Management Facilities*; and;
- 4 The number of sites that required routine maintenance or remedial action to ensure that *Stormwater Management Facilities* are functioning as intended.

Section 7. Enforcement.

It shall be unlawful for any *Person* to violate any provision of or to fail to comply with any of the requirements of this Ordinance or of the *Post-Construction Stormwater Management Plan*. Whenever the *Enforcement Authority* believes that a *Person* has violated this Ordinance or the *Post-Construction Stormwater Management Plan*, the *Enforcement Authority* may enforce this Ordinance in accordance with 30-A M.R.S.A. § 4452.

A. Notice of Violation. Whenever the *Enforcement Authority* believes that a *Person* has violated this Ordinance or the *Post-Construction Stormwater Management Plan*, the *Enforcement Authority* may order compliance with this Ordinance or with the *Post-Construction Stormwater Management Plan* by written notice of violation to that *Person* indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

1. The abatement of violations, and the cessation of practices, or operations in violation of this Ordinance or of the *Post-Construction Stormwater Management Plan*;
2. At the *Person's* expense, compliance with *BMPs* required as a condition of approval of the *New Development* or *Redevelopment*, the repair of *Stormwater Management Facilities* and/or the restoration of any affected property; and/or
3. The payment of fines, of the *Municipality's* remediation costs and of the *Municipality's* reasonable administrative costs and attorneys' fees and costs.

If abatement of a violation, compliance with *BMPs*, repair of *Stormwater Management Facilities* and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, compliance, repair and/or restoration must be completed.

B. Penalties/Fines/Injunctive Relief. Any *Person* who violates this Ordinance or the *Post-Construction Stormwater Management Plan* shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the *Municipality's* attorney's fees and costs, all in accordance with **30-A M.R.S.A. § 4452**. Each day such violation continues shall constitute a separate violation. Moreover, any *Person* who violates this Ordinance or the *Post-Construction Stormwater Management Plan* also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the *Municipality* for violation of federal and State environmental laws and regulations caused by or related to that *Person's* violation of this Ordinance or of the *Post-Construction Stormwater Management Plan*; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this Section.

C. Consent Agreement. The *Enforcement Authority* may, with the approval of the municipal officers, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Ordinance or of the *Post-Construction Stormwater Management Plan* for the purposes of eliminating violations of this Ordinance or of the *Post-Construction Stormwater Management Plan* and of recovering fines, costs and fees without court action.

D. Enforcement Measures. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then the *Enforcement Authority* may recommend to the municipal officers that the *Municipality's* attorney file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

Section 8. Severability.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any *person*, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this Ordinance.

Section 9. Basis.

The Town of Hampden enacts this "Post-Construction Stormwater Management Ordinance" (the "Ordinance") pursuant to **30-A M.R.S.A. § 3001** (municipal home rule ordinance authority), **38 M.R.S.A. § 413** (the "Wastewater Discharge Law"), **33 U.S.C. § 1251 et seq.** (the "*Clean Water Act*"), and **40 CFR Part 122** (U.S. Environmental Protection Agency's regulations governing the National Pollutant Discharge Elimination System ("NPDES")). The Maine Department of Environmental Protection, through its promulgation of the "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems," has listed the Town of Hampden as having a Regulated *Small Municipal Separate Storm Sewer System* ("*Small MS4*"); under this General Permit, listing as a *Regulated Small MS4* necessitates enactment of this Ordinance as part of the *Municipality's* Storm Water Management Program in order to satisfy the minimum control measures required by Part IV H 5 ("Post-construction stormwater management in new development and redevelopment").

APPENDIX 1

Maintenance Agreement for Stormwater Management Facilities

This Maintenance Agreement is made this ____ day of _____ 20__ by and between _____ and the Town of Hampden, Maine.

The project name is _____.

The location is: _____, Hampden, Maine.

The project's Tax Map and Lot Numbers are Tax Map _____, Lot _____.

The project is shown on a plan entitled " _____ " dated _____ and most recently revised on _____, approved by the _____ [Municipal Permitting Board] on _____ and recorded in the Penobscot County Registry of Deeds in Plan Book _____ Page _____ (the "Project").

WHEREAS, the approval of the Project includes Stormwater Management Facilities which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the Project the Town of Hampden requires that periodic maintenance be performed on the Stormwater Management Facilities;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the Town and the agreement of _____ to maintain the Stormwater Management Facilities, the parties hereby agree as follows:

1. _____, for herself/himself/itself, and her/his/its successors and assigns, agrees to the following:

(a) To inspect, clean, maintain, and repair the Stormwater Management Facilities, which includes, to the extent they exist, parking areas, catch basins, detention basins or ponds, drainage swales, pipes and related structures, as required by **Section 6** of the Town's Post-Construction Stormwater Management Ordinance, to prevent the build up and storage of sediment and debris in the system;

(b) To repair any deficiencies in the *Stormwater Management Facilities* noted during the required inspection;

(c) To provide a summary report on the inspection, maintenance, and repair activities performed, as required by **Section 6** of the Town's Post-Construction Stormwater Management Ordinance, on the *Stormwater Management Facilities* to the *Town Enforcement Authority*;

(d) To allow access by Town personnel or the Town's designee for inspecting the *Stormwater Management Facilities* for conformance with these requirements.

(e) To create a homeowners' association for the purpose of maintaining the *Stormwater Management Facilities*.

2. Upon creation of the homeowners' association, the homeowners' association shall become responsible for compliance with the terms of this Agreement.

3. This Agreement shall constitute a covenant running with the land, and _____ shall reference this Agreement in all deeds to lots and/or units within the Project.

Witness

By: _____
Its: _____

TOWN OF HAMPDEN

Witness

By: _____
Printed Name: _____
Its: _____

STATE OF MAINE

_____, ss.

_____, 20__

Personally appeared the above-named _____, the _____ of _____, and acknowledged the foregoing Agreement to be said person's free act and deed in said capacity.

Before me,

Notary Public / Attorney at Law

Printed Name: _____

STATE OF MAINE
Penobscot, ss.

_____, 20__

Personally appeared the above-named _____, the
_____ of the Town of Hampden, and acknowledged the foregoing
Agreement to be said his/her free act and deed in said capacity.

Before me,

Notary Public / Attorney at Law

Print Name: _____

APPENDIX 2

Stormwater Management Facilities Certification (to be sent to Municipality)

I, _____ (print or type name), certify the following:
Qualified Post-construction Stormwater Inspector

1. I am making this Stormwater Management Facilities Certification for the following property: _____
(print or type name of subdivision, condominium or other development) located at _____
_____ (print or type address), (the "Property");

2. The owner, operator, tenant, lessee or homeowners' association of the Property is: _____
(name(s) of owner, operator, tenant, lessee, homeowners' association or other party having control over the Property);

3. I am a Qualified Post-construction Stormwater Inspector hired by the person/entity named in Paragraph 2;

4. I have knowledge of erosion and stormwater control and have reviewed the approved Post-Construction Stormwater Management Plan for the Property;

5. On _____, 20__, I inspected the Stormwater Management Facilities, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures required by the approved Post-Construction Stormwater Management Plan for the Property;

6. At the time of my inspection of the Stormwater Management Facilities on the Property, I identified the following need(s) for routine maintenance or deficiencies in the Stormwater Management Facilities:

7. On _____, 20__, the owner, operator, tenant, lessee or president of the homeowners' association took or had taken the following routine maintenance or the following corrective action(s) to address the deficiencies in the Stormwater Management Facilities stated in 6 above:

8. As of the date of this certification, the Stormwater Management Facilities are functioning as intended by the approved Post-Construction Stormwater Management Plan for the Property.

Date: _____, 20__.

By: _____
Signature

Print Name

STATE OF MAINE

_____, ss.

_____, 20__

Personally appeared the above-named _____, the
_____ of _____, and acknowledged the foregoing
Certification to be said person's free act and deed in said capacity.

Before me,

Notary Public/Attorney at Law

Print Name: _____

Mail or hand deliver this certification to the Municipality at the following address:

Public Works Director
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Current Folder: **INBOX**

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Subject: Post-Construction Stormwater Management Ordinance
From: "Robert Osborne" <hampdenmaineplanner@gmail.com>
Date: Mon, June 22, 2009 3:27 pm
To: "Denise Hodsdon" <hampden@midmaine.com>
Priority: Normal
Options: [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#)

Denise,

Please find attached a copy of the subject ordinance as voted by the Planning and Development Committee on June 17, 2009.

Thanks,

Bob Osborne

--

Robert Osborne, AICP
Hampden Town Planner
Town of Hampden
106 Western Avenue
Hampden, ME 04444
(207) 862 6527

Attachments:

[Hampden Post Construction Stormwater Mgmt Ordinance \(Rev 6-22-2009\).doc](#)

176 k [application/msword] [Download](#)

Send to BDN &
post notice & ordinance on website

DRAFT
HAMPDEN COMMUNITY ROOM RENTAL/USE POLICY

A. Room Use Priorities

The Hampden Community Room's use priorities are as follows:

1. Voting location for all municipal, state, federal elections
2. Police/Fire/personnel Training for the Town of Hampden
3. Training space for Hampden municipal departments
4. Regional training space for municipal-government related entities
5. Meeting space for local non-profit agencies
6. Training space for local companies (Fee required)

B. Municipal Department Use

Hampden Municipal Departments wishing to utilize the community room shall complete a Municipal Department Request Form. Departments using the room are required to set up prior to and clean up after use.

C. Rules for use of Community Room by non-Hampden-municipal-government entities:

1. Parking for room users (during the work day) shall be along the sides of the building in the upper lot, in spaces in the lower lot, and in free spaces behind the post office. No parking during the day in spaces in front of the municipal building. (See attached diagram for entrance and parking areas)
2. Wireless internet is available on site, but there is no availability on site for photocopying, technical support, or provision of projectors or other equipment.
3. Room use is confined to the Community Room only. Access to the remainder of the Public Safety office and living space is not available. This includes the kitchen, unless special permission is granted in advance.
4. The facility set up and clean up is the responsibility of the entity requesting use of the room. A \$25 refundable cleaning deposit is required prior to room use and will be returned immediately after room use if left in clean and neat condition.
5. Local companies utilizing the space shall make arrangements **in advance** before bringing any large vehicles, trailers, or outside demonstration materials to the municipal complex. Space for such activities is very limited.
6. Entities utilizing the room shall be required to pay for any and all damages to the facility caused by participants of their activity.
7. Entities utilizing the facility for activities involving children shall insure that there are sufficient adult supervisors to keep noise and activity at reasonable levels. This facility is located in a Public Safety area and the business of police, fire, and EMS is the first priority there. Personnel in these areas are on duty 24/7 and we ask for courtesy to them while utilizing the facility.

8. Room users shall be required to fill out a Room Use Request form and submit it to the Town Manager, or his/her designee for approval, at least one month prior to the requested date.
9. For-profit entities utilizing the space shall pay a fee of \$50 for ½ day or evening use and \$100 for full-day use. Half day and evening use is defined as 4 hours or less, including clean-up.

D. Effective Date

Policy Effective Date: July 7, 2009

Council Approved: _____

HAMPDEN COMMUNITY ROOM
ROOM USE REQUEST FORM
(Non-Hampden-Municipal-Department)

Date of Application: _____

Name of Entity Requesting Use _____

Address: _____

Telephone: _____

Email: _____

Contact Person Name: _____

Address: _____

Telephone: _____

Email: _____

Date Room Requested for Use: _____

Number of Participants: _____

If event involving children - # of adult supervisors _____

Time required: _____

I, _____, have read the Hampden Community Room Use Policy and agree to adhere to all terms and conditions of that policy.

Date: _____ Signature: _____

Application Granted _____

Application Denied _____

If denied, reason _____

Fee Paid (if any) \$ _____

Date Paid _____

Cleaning deposit paid \$ _____ Date: _____

Cleaning deposit refunded: Yes _____ Date: _____

No _____ Reason for retention _____

Date Posted on Calendar: _____ Posted by: _____

Approved by: _____ Date: _____

Hampden Community Room
Municipal Department Request Form

Date: _____

Department Name: _____

Department Contact: _____

Date Use Requested: _____

If use is for activities involving children, the department shall insure that there are sufficient adult supervisors to keep noise and activity at reasonable levels. This facility is located in the Public Safety area and the business of police, fire, and EMS is the first priority there. Personnel in these areas are on duty 24/7 and we ask for courtesy to them while utilizing the facility.

Time requested: _____

Approval Granted: _____

Approval Denied: _____

Reason: _____

Approved by: _____ Date: _____

Date posted on Calendar: _____

Posted by: _____

TO: Hampden Town Council
FROM: Sue Lessard, Town Manager
DATE: July 2, 2009
RE: Mayo Road Project

The Infrastructure Committee has recommended that the Mayo Road Project be sent out to the voters on the November 2009 ballot. If that is to occur, the Council would have to approve the creation of an ordinance to accomplish that, as well as set a date for a public hearing for the ordinance, and adopt the ordinance as of the middle of August.

The recommendation of the Committee was based on concerns that if this project is not undertaken now, once the new high school is constructed there will be considerably more pressure on Mayo Road than there is now and that there would therefore be even more safety concerns than exist presently. The estimated construction cost presented is approximately \$2.3 million dollars. There are no stimulus funds available for this project. If it were approved in November and constructed in 2010, it would be completed prior to the final construction of the high school.

C-3 2

		SEWER RATE INFORMATION					
		FOR 2008 BONDING					
# USERS	AVG. QUARTERLY USE	USAGE FEES	CAPITAL CHARGE	TOTAL REVENUE			
		(B x 3.28)	(A x 18.12)				
1402	28,224	\$92,574.72	\$25,404.24	\$117,978.96			
1408	27,913	\$91,554.64	\$25,512.96	\$117,067.60			
1411	37,379	\$122,603.12	\$25,567.32	\$148,170.44			
1412	28,403	\$93,161.84	\$25,585.44	\$118,747.28			
TOTAL 2007	121,919	\$399,894.32	\$102,069.96	\$501,964.28			
2007 Expenses							
Treatment Service Charge				\$79,115.00			
Utilities/Fuel				\$28,479.00			
Pump Station Contracts				\$32,998.00			
Wages				\$55,000.00			
Engineering				\$3,051.00			
Maintenance				\$33,847.00			
Administration				\$1,612.00			
Dep & Amortization				\$208,050.00			
Total 2007				\$442,152.00			
Net Operating Revenue				\$59,812.28			
SEWER RATE IMPACT (AT CURRENT USAGE RATES)							
NOTE	AMOUNT	RATE CHANGE	CURRENT RATE	TOTAL			
20 YEAR NOTE	\$121,493.00	\$1.00	\$3.28	\$4.28	← Recommended by Infrastructure Finance		
25 YEAR NOTE	\$103,304.00	\$0.85	\$3.28	\$4.13			
30 YEAR NOTE	\$91,361.00	\$0.75	\$3.28	\$4.03			
BILL IMPACT							
AVERAGE USE	OLD RATE	CAPITAL CHARGE	TOTAL	NEW RATE	CAPITAL CHARGE	INCREASE/ QUARTER	
25	\$3.28	\$18.12	\$100.12	\$4.28	\$18.12	\$125.12	
25	\$3.28	\$18.12	\$100.12	\$4.13	\$18.12	\$121.37	
25	\$3.28	\$18.12	\$100.12	\$4.03	\$18.12	\$118.87	

TO: Hampden Town Council
FROM: Sue Lessard, Town Manager
DATE: July 2, 2009
RE: Committee Structure Discussion

The purpose of this memo is to discuss the current committee structure, how it is working, and also what actions, if any, should be taken relative to non-council advisory committees and how they fit into the mix.

At the end of the last calendar year and the beginning of the current calendar year, after a great deal of work on the part of the Committee on Committees, the Town Council restructured its own committee system. At the time of the restructuring, the Council indicated that it would be reviewing that structure and how it was working after six months. It has been six months and this item is on the agenda to allow the Council to discuss the pluses and minuses of operation thus far, and to determine what, if any, changes need to be made.

In addition, the Committee on Committees had spent a great deal of time observing the operation of the committees that are advisory to various departments and others that are task/subject specific. No action was taken relative to these committees at the time, but the Council indicated that once its own Committees were up and running and had been evaluated, they would look at the next layer of Committees that they have the responsibility of appointing.

This agenda item should provide an opportunity for both subjects to be discussed.